

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOMINIC JOSEPH ABBOTT,)
Petitioner)
vs.)
PA DEPT. OF CORRECTIONS,) Civil Action No. 06-1451
Commonwealth of Pa. Butler Co.;)
DISTRICT ATTORNEY OF THE)
COUNTY OF BUTLER; PA STATE)
ATTORNEY GENERAL,)
Respondents)

ORDER

AND NOW, this 18th day of June, 2007, after the petitioner,

Dominic Joseph Abbott, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Section 2254 habeas petition is dismissed without prejudice because Petitioner has failed to exhaust state court remedies;

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Dominic Joseph Abbott
GB-5800
SCI Graterford
P.O. Box 244
Graterford, PA 19426-0246

Randa B. Clark, Esquire
by Notice of Electronic Filing